

<b>UNITED STATES OF AMERICA</b> <b>NATIONAL LABOR RELATIONS BOARD</b> <b>CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case <span style="float: right;">Date Filed</span> 10-CA-142694 <span style="float: right;">12-11-14</span>	
<b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.			
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>			
<b>a. Name of Employer</b>  Dixon Food Groups d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers		<b>b. Number of workers employed</b> 1,000+	
<b>c. Address</b>  Store: 125 NC 102 W Ayden, NC 27496  McDonald's Corp.: 2111 McDonald's Dr. Oak Brook, IL 60523	<b>d. Employer Representative</b>  Store: (b) (6), (b) (7)(C)  Corporate: Gloria Santana	<b>e. Telephone No.</b> (252) 746-7858	
<b>f. Type of Establishment</b> Restaurant	<b>g. Identify principal product or service</b> Food Service		
<b>h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act.</b>			
<b>2. BASIS OF THE CHARGE</b> <i>(Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</i>  On or about (b) (6), (b) (7)(C) 2014, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by terminating (b) (6), (b) (7)(C) for engaging in protected concerted activity.			
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> Southern Workers Organizing Committee			
<b>4a. Address (street and number, city, state, and ZIP code)</b>  2220 N. Roxboro Ave Durham, NC 27701		<b>4b. Telephone No.</b> (919) 604-8167	
<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>			
<b>6. DECLARATION</b> I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.			
 <i>(Signature of representative or person making charge)</i>		Paul Smith, Attorney <i>(Title if any)</i>	
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Suite 420, Chapel Hill, NC 27517</u>		<u>919.942.5200</u> <i>(Telephone No.)</i>	
(Date) 11/25/2014			
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>			



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
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Mobile App

December 12, 2014

(b) (6), (b) (7)(C)

125 NC 102 W  
Ayden, NC 28513-8792

Gloria Santona  
McDonald's Corp  
2111 McDonald's Dr.  
Oak Brook, IL 60523

Re: Dixon Food Groups d/b/a McDonalds &  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing Form NLRB-4701, Notice of Appearance. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your

representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly. **Due to the nature of the allegations in the enclosed unfair labor practice charge, we have identified this case as one in which injunctive relief pursuant to Section 10(j) of the Act may be appropriate.** Therefore, in addition to investigating the merits of the unfair labor practice allegations, the Board agent will also inquire into those factors relevant to making a determination as to whether or not 10(j) injunctive relief is appropriate in this case. Accordingly, please include your position on the appropriateness of Section 10(j) relief when you submit your evidence relevant to the investigation.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor any request to place limitations on our use of position statements or evidence beyond those prescribed by the Freedom of Information Act and the Federal Records Act. Thus, we will not honor any claim of confidentiality except as provided by Exemption 4 of FOIA, 5 U.S.C. Sec. 552(b)(4), and any material you submit may be introduced as evidence at any hearing before an administrative law judge. We are also required by the Federal Records Act to keep copies of documents gathered in our investigation for some years after a case closes. Further, the Freedom of Information Act may require that we disclose such records in closed cases upon request, unless there is an applicable exemption. Examples of those exemptions are those that protect confidential financial information or personal privacy interests.

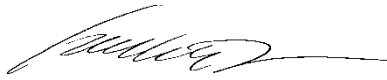
**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website, [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, [www.nlr.gov](http://www.nlr.gov) or from an NLRB office upon your request. NLRB Form 4541 offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability.  
Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By: 

Scott C. Thompson  
Officer in Charge

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire



Revised 3/21/2011

## NATIONAL LABOR RELATIONS BOARD

## QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

## CASE NAME

Dixon Food Groups d/b/a McDonalds &amp; McDonalds Corp., as Joint and Single Employers

## CASE NUMBER

10-CA-142694

## 1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

## 2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify )

## 3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION  
OR FORMATION

B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES

## 4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

## 5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

## 6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

## 7. A. PRINCIPAL LOCATION:

## B. BRANCH LOCATIONS:

## 8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. Total:

B. At the address involved in this matter:

9. DURING THE MOST RECENT (Check appropriate box): ☐ CALENDAR YR ☐ 12 MONTHS or ☐ FISCAL YR (FY dates )

YES

NO

A. Did you **provide services** valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value.  
\$B. If you answered no to 9A, did you **provide services** valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided.  
\$C. If you answered no to 9A and 9B, did you **provide services** valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$D. Did you **sell goods** valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$E. If you answered no to 9D, did you **sell goods** valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount.  
\$F. Did you **purchase and receive goods** valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$G. Did you **purchase and receive goods** valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$

## H. Gross Revenues from all sales or performance of services (Check the largest amount)

☐ \$100,000 ☐ \$250,000 ☐ \$500,000 ☐ \$1,000,000 or more If less than \$100,000, indicate amount.

I. Did you begin operations within the last 12 months? If yes, specify date: \_\_\_\_\_

## 10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

## 11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME

TITLE

E-MAIL ADDRESS

TEL. NUMBER

## 12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)

SIGNATURE

E-MAIL ADDRESS

DATE

## PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing representation and/or unfair labor practice proceedings and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary. However, failure to supply the information may cause the NLRB to refuse to process any further a representation or unfair labor practice case, or may cause the NLRB to issue you a subpoena and seek enforcement of the subpoena in federal court.



**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**DIXON FOOD GROUPS D/B/A MCDONALDS &  
MCDONALDS CORP., AS JOINT AND SINGLE  
EMPLOYERS**

Charged Party

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**Case 10-CA-142694**

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, state under oath that on December 12, 2014, I served the above-entitled document(s) by post-paid regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

125 NC 102 W  
Ayden, NC 28513-8792

Gloria Santona  
McDonald's Corp  
2111 McDonald's Dr.  
Oak Brook, IL 60523

December 12, 2014

Date

Lisa A. Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlr.gov](http://www.nlr.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
NLRB  
Mobile App

December 12, 2014

Southern Workers Organizing Committee  
2220 N Roxboro Ave  
Durham, NC 27701

Re: Dixon Food Groups d/b/a McDonalds &  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

Dear Sir or Madam:

The charge that you filed in this case on December 11, 2014 has been docketed as case number 10-CA-142694. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If this Board agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Right to Representation:** You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, [www.nlr.gov](http://www.nlr.gov), or at the Regional office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.



**Procedures:** We strongly urge everyone to submit all documents and other materials (except unfair labor practice charges and representation petitions) by E-Filing (not e-mailing) through our website [www.nlr.gov](http://www.nlr.gov). However, the Agency will continue to accept timely filed paper documents. Please include the case name and number indicated above on all your correspondence regarding the charge.

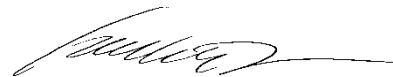
Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website [www.nlr.gov](http://www.nlr.gov) or from the Regional Office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:



Scott C. Thompson  
Officer in Charge

cc: Paul Smith, Attorney  
100 Europa Dr  
Ste 420  
Chapel Hill, NC 27517-2372

**From:** [Lauren Bonds](#)  
**To:** [Kensey, Brent L.](#)  
**Subject:** Re: Bojangles/Church's Chicken Affidavits  
**Date:** Friday, December 19, 2014 4:09:45 PM

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Can you still take (b) (6), (b) (7)(C) statement by phone? (b) (6), (b) (7)(C)  
but (b) (6), (b) (7)(C) can talk to you on the phone (b) (6), (b) (7)(C)

On Fri, Dec 19, 2014 at 1:41 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

I am often unable to reserve a room, so we'll just find a quiet corner of the library. I took a look at it on Google Street View and it appears to be a sizable facility.

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

---

**From:** Lauren Bonds [mailto:[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)]  
**Sent:** Friday, December 19, 2014 1:37 PM

**To:** Kensey, Brent L.  
**Subject:** Re: Bojangles/Church's Chicken Affidavits

Sheppard Memorial Library

530 Evan St.

Greenville, NC 27858.

Not sure if i am going to be able to reserve a room by (b) (6), they do not answer the phone

On Fri, Dec 19, 2014 at 1:10 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

That will be just fine. Which library?

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

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**From:** Lauren Bonds [mailto:[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)]

**Sent:** Thursday, December 18, 2014 5:01 PM

**To:** Kensey, Brent L.

**Subject:** Re: Bojangles/Church's Chicken Affidavits

Update:

- Location for [REDACTED] Affidavit: Unfortunately I wasn't able to get the church we typically use for Greenville affidavits. I can try to reserve a meeting room at the public library. Will that work?

Sheppard Memorial Library

530 Evan St.

Greenville, NC 27858

<http://sheppardlibrary.org/content.php?pid=342124&sid=2827668>

- (b) (6), (b) (7)(C) of Church's Chicken (b) (6), (b) (7)(C). Bojangles folks still don't have there schedule. Will check back tomorrow.

Thanks

Lauren

On Wed, Dec 17, 2014 at 3:02 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Excellent. I'll plan on leaving Winston (b) (6), (b) (7)(C) in order to meet (b) (6), (b) (7)(C) at (b) (6), (b) (7)(C). I suspect (b) (6), (b) (7)(C) affidavit will be one of the longer ones, and I estimate being done at around (b) (6), (b) (7)(C). When we finish I'll make the hour and a half trip back to the Durham Union hall and begin meeting with the rest of the witnesses at approximately (b) (6), (b) (7)(C). The discipline allegations are less complicated, so I hope to be able to handle (b) (6), (b) (7)(C) of them on (b) (6), (b) (7)(C). I suspect that we may have issues getting them to come in on (b) (6), (b) (7)(C) because of work, so let's try to minimize that conflict by getting them in on (b) (6), (b) (7)(C).

Keep me posted on your progress.

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

---

**From:** Lauren Bonds [mailto:[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)]  
**Sent:** Wednesday, December 17, 2014 2:44 PM  
**To:** Kensey, Brent L.  
**Subject:** Re: Bojangles/Church's Chicken Affidavits

Great to hear that you will be handling (b) (6), (b) (7)(C) case. (b) (6), (b) (7)(C)  
in Greenville. Working on a location.

Thanks

Lauren

On Wed, Dec 17, 2014 at 1:59 PM, Kensey, Brent L. <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Lauren,

The union office will be fine as long as there's a private meeting area. I should also let you know that I've been assigned the Dixon Food Groups (McDonalds) case out in Ayden NC (10-CA-142694). I'd like to catch (b) (6), (b) (7)(C) either before or after I visit the Union hall and get the other (b) (6), (b) (7)(C) in Durham. Can you reach out to (b) (6), (b) (7)(C) and see if (b) (6), (b) (7)(C) be available on (b) (6), (b) (7)(C). If not we'll need to get (b) (6), (b) (7)(C). The day of Christmas Eve will likely be a bad time for everyone involved.

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

4035 University Parkway, Ste 200

Winston-Salem, NC 27106

Phone: [\(336\) 631-5234](tel:(336)631-5234)

Fax: [\(336\) 631-5210](tel:(336)631-5210)

---

**From:** Lauren Bonds [mailto:[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)]  
**Sent:** Wednesday, December 17, 2014 1:26 PM  
**To:** Kensey, Brent L.  
**Subject:** Bojangles/Church's Chicken Affidavits

Hi Brent,

All of the workers will be available at some point (b) (6), (b) (7)(C). I can get you exact times once Bojangles and CC put out next week's schedule. Below are the witness phone numbers. Would you be alright with taking affidavits in the union office?

Bojangles

(b) (6), (b) (7)(C)

Church's Chicken

(b) (6), (b) (7)(C)

Union Office

2220 N. Roxboro St.

Durham, NC

--

Lauren Bonds



Law Fellow

Service Employees International Union

--

Lauren Bonds

Law Fellow

Service Employees International Union

--

Lauren Bonds

Law Fellow

Service Employees International Union

--

Lauren Bonds

Law Fellow

Service Employees International Union

--

Lauren Bonds

Law Fellow

Service Employees International Union

**From:** [Lauren Bonds](#)  
**To:** [Kensey, Brent L.](#)  
**Subject:** Re: Affidavits (b) (6),  
**Date:** Monday, December 22, 2014 5:43:39 PM

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Yeah that will work. Can you meet (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) at Durham library on 300 Roxboro?

Sent from my iPhone

On Dec 22, 2014, at 4:35 PM, "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Thanks for the update. Will we be able to squeeze (b) (6), (b) (7)(C) in (b) (6), (b) (7)(C) or are you thinking of withdrawing and shooting for a notice posting at the Hillsborough Rd store through (b) (6), (b) (7)(C)

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

---

**From:** Lauren Bonds <[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:** Dec 22, 2014 5:31 PM

**To:** Kensey, Brent L.

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

Hey Brent,

I know you're in contact with Keith but I don't think (b) (6), (b) (7)(C) is going to make it. (b) (6), (b) (7)(C) will be there.

Thanks

Lauren

Sent from my iPhone

On Dec 22, 2014, at 1:04 PM, "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Let's wait till after Christmas to make that decision. (b) (6), (b) (7)(C) testimony is promising and may establish a prima facie case on its own, allowing me to timely request evidence from the Employer.

Speaking of the employer, we may need to amend this charge to reference the charged party. I'll be able to send you and Paul some more details later today.

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

---

**From:** Lauren Bonds <[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:** Dec 22, 2014 1:59 PM

**To:** Kensey, Brent L.

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is really hard to reach. I will try my best but we might have to withdraw and refile if this week is the timeline

Sent from my iPhone

On Dec 22, 2014, at 12:56 PM, "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

You know, if push comes to shove I could do it

(b) (6), (b) (7)(C) That would still be better than driving back out after Christmas.

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

---

**From:** "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)>

**Sent:** Dec 22, 2014 1:52 PM

**To:** Lauren Bonds

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

I was hoping to get (b) (6), (b) (7)(C) before I left for Durham. I can't imagine needing more than an hour with (b) (6), (b) (7)(C)

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

---

**From:** Lauren Bonds <[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:** Dec 22, 2014 1:49 PM

**To:** Kensey, Brent L.

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

What is your deadline?

Sent from my iPhone

On Dec 22, 2014, at 12:29 PM, "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

Yeah, I couldn't get (b) (6), (b) (7)(C) either. It'll have to be face to face, given the nature of the case and the fact that (b) (6), (b) (7)(C) was witness to the single most important 8(a)(1) statement of the whole case.

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board Subregion 11

---

**From:** Lauren Bonds <[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:** Dec 22, 2014 1:17 PM

**To:** Kensey, Brent L.

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) did not answer my call. Any chance you can do it by phone? Most of the organizers are off this week.

(b) (6), (b) (7)(C) number is

(b) (6), (b) (7)(C)

Sent from my iPhone

On Dec 22, 2014, at 12:15 PM, "Kensey, Brent L." <[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)> wrote:

It looks like I'm going to need to talk to (b) (6), (b) (7)(C) .

Would (b) (6), (b) (7)(C) be immediately available?

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor Relations Board

Subregion 11

---

**From:** Lauren Bonds

<[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:** Dec 22, 2014 8:44 AM

**To:** Kensey, Brent L.

**Subject:** Re: Affidavits (b) (6), (b) (7)(C)

Hi Brent,

(b) (6), (b) (7)(C) number is:  
(b) (6), (b) (7)(C)

Let me know if you need anything else.

Sent from my iPhone

On Dec 22, 2014, at 7:38 AM,

"Kensey, Brent L."

<[Brent.Kensey@nrlrb.gov](mailto:Brent.Kensey@nrlrb.gov)>

wrote:

Do you have

(b) (6), (b) (7)(C)

number? I'm going to be a few minutes late for our meeting in Greenville.

***Sent from mobile***

**Brent Kensey**

Field Examiner

National Labor

Relations Board

Subregion 11



---

**From:** Lauren Bonds  
<[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>  
**Sent:** Dec 20, 2014  
4:19 PM  
**To:** Kensey, Brent L.  
**Subject:** Re:  
Affidavits (b) (6), (b)

Great. The main point of contact is Keith Bullard. Paul Smith at Patterson Harkavy will also be around if for some reason you can't reach Keith.

Keith Bullard  
(919) 798-2585

Thanks for being so flexible.

Best

Lauren

Sent from my  
iPhone

On Dec 20, 2014,  
at 2:28 PM,  
"Kensey, Brent L."  
<[Brent.Kensey@nlrb.gov](mailto:Brent.Kensey@nlrb.gov)>  
wrote:

That  
sounds  
pretty  
good.  
I'll  
keep  
you  
posted  
on the

need  
for any  
changes.  
Who  
will be  
my  
face to  
face  
contact  
at the  
local  
office?

***Sent  
from  
mobile***  
**Brent  
Kensey**

Field  
Examiner  
National  
Labor  
Relations  
Board  
Subregion  
11

---

**From:**  
Lauren  
Bonds  
<[lauren.bonds@seiu.org](mailto:lauren.bonds@seiu.org)>

**Sent:**  
Dec 20,  
2014  
1:51  
PM

**To:**  
Kensey,  
Brent L.

**Subject:**  
Affidavits

(b)  
(6),  
(b)

Hi  
Brent,

All of  
the  
workers  
have  
their  
schedules  
now.

-

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) will

meet

you at

the

Sheppard

Library

in

Greenville

at

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

will

meet

you at

the

union

office at

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) is

available

to meet

you at

(b) (6), (b) (7)(C)

Transportation

will be

an issue

since

only one

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

will be

in town.

I will see

if (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

can get

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(b) (6), (b) (7)

. We  
can't use  
the  
union  
office on  
(b) (6),  
but I can  
find  
another  
location.

(b) (6), (b) (7)(C)

can take  
a call

(b) (6), (b) (7)(C)

Will this  
work for  
you?  
Just let  
me  
know.

Thanks

Lauren

Sent  
from my  
iPhone

Clock in, ~~let go~~<sup>Cmen</sup> in the crew room

I can fire you anytime for any reason  
(~~knowledge~~ment of crew paper)  
(with or without stated cause)

~~BOOK~~

you have been late numerous of times

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

Yes sir, yes many

### Acknowledgment of Crew Member

I hereby acknowledge that I have received a copy of the January 2007 edition of the Crew Handbook of Dixon Foods Group, Inc. (the "Company") and that I have carefully read and reviewed the provisions contained in the handbook. I acknowledge that this handbook contains policies related to the everyday operations of the business and violations of any policy may result in the termination of my employment. I recognize that my copy of the Crew Handbook remains the property of the Company and I agree to return it promptly should my employment terminate for any reason.

I recognize that my employment with the Company is on an AT-WILL basis, which means that I am free to leave the Company's service at any time and that I can be terminated at any time with or without stated cause. I understand that the provisions of the Crew Handbook do not create contractual rights or obligations, and do not represent a binding agreement between the Company and me regarding my employment. I also understand that the provisions of the Crew Handbook may be changed at any time by the Company in its sole discretion, and that the Company will attempt to provide written notice of any major change to me or to post such notice in a place accessible to employees prior to the effective date of the change.

I acknowledge that the Crew Handbook contains information regarding such policies as FMLA leave, Workers Compensation, Sexual Harassment, Theft and Money Handling, HIPAA Notice of Privacy Practices, Substance Abuse and Drug Testing, as well as Labor Rules for minors, the hiring of sex offenders and dealing with a social security number mismatch letter.

I also acknowledge that the Company does not tolerate among its employees any type of unlawful discrimination or harassment and that the Crew Handbook contains specific prohibitions against such discrimination and harassment.

I have been afforded a reasonable opportunity to discuss the contents of the Crew Handbook with my supervisor, and I agree to comply with the provisions contained in the Crew Handbook. I also agree to comply with new or modified provisions of the Crew Handbook of which the Company provides notice.

(b) (6), (b) (7)(C)

Signature

(b) (6), (b) (7)(C)

Date

(b) (6), (b) (7)(C)

Witness

(b) (6), (b) (7)(C)

Date



**From:** (b) (6), (b) (7)(C)  
**To:** [Kensey, Brent L.](#)  
**Subject:** Call log and Text  
**Date:** Tuesday, January 27, 2015 3:16:33 PM  
**Attachments:** [Screenshot 2015-01-27-11-08-45.png](#)  
[Screenshot 2015-01-27-11-11-35.png](#)  
[Screenshot 2015-01-27-11-12-16.png](#)  
[Screenshot 2015-01-27-11-13-02.png](#)  
[Screenshot 2015-01-27-10-11-40.png](#)  
[Screenshot 2015-01-27-10-04-53.png](#)  
[Screenshot 2015-01-27-10-11-40.png](#)  
[Screenshot 2015-01-27-10-11-46.png](#)

---

The only text I've had from (b) (6), (b) (7)(C) was when (b) (6) ask me to come in the day before since (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) but (b) (6) schedule changed And I let (b) (6), (b) (7)(C) know I could come in (b) (6) or midshift and (b) (6) said (b) (6), (b) (7)(C) .. This is the call log that pulled up..the one that says (b) (6) job is Mcdonalds store phone and the other is (b) (6), (b) (7)(C) cell phone that says (b) (6) Mcdonalds. (b) (6), (b) (7)(C) number begins with (b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

2014

My name is (b) (6), (b) (7)(C).

.My store is McDonald's  
Ayden, NC 125 hwy NC

102 West (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C) store phone number

2527467858 (b) (6), (b) (7)(C) cell

number (b) (6), (b) (7)(C)

2:05PM

Hii call me plz

10:59PM

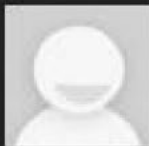


Type message

Send



10:11 am



(b) (6), (b) (7)(C)

McDonald...

(b) (6), (b) (7)(C)



(b) (6), (b) (7)(C)

2014

Hi (b) (6), (b) (7)(C) .. this is  
(b) (6), (b) (7)(C) .. I apologize  
for interrupting your sleep.  
. I thought I would have to  
(b) (6), (b) (7)(C) to work  
so I said I would be able to  
work (b) (6), (b) (7)(C) .. I would  
much rather come in @ like  
(b) (6), (b) (7)(C) or mid shift.

3:14AM



Type message

Send



10:11 am



(b) (6), (b) (7)(C)

McDonald...

(b) (6), (b) (7)(C)



(b) (6),  
(b) (7)

..or mid shift.

3:14AM

K

4:47AM

(b) (6), (b)  
(7)(C)

4:47AM

K

4:48AM



Type message

Send



11:08 am



(b) (6), (b) (7)(C)

McDonald's



View

(b) (6), (b) (7)(C)

MOBILE



➤ Outgoing call

(b) (6), (b) (7)(C), 2014

0 mins 34 secs

➤ Outgoing call

(b) (6), (b) (7)(C), 2014

1 mins 4 secs

➤ Incoming call

(b) (6), (b) (7)(C), 2014

1 mins 3 secs



Delete



11:11 am



(b) (6),  
(b) (7) Job



View

2527467858

MOBILE



0 mins 36 secs

✓ Incoming call

(b) (6), (b) (7)(C) 2014

0 mins 36 secs

➤ Outgoing call

(b) (6), (b) (7)(C) 2014

2 mins 6 secs

➤ Outgoing call

(b) (6), (b) (7)(C) 2014

1 mins 43 secs



Delete





11:12 am



(b) (6),  
(b) (7) Job



View

2527467858

MOBILE



➤ Outgoing call

(b) (6), (b) (7)(C), 2014

1 mins 43 secs

➤ Outgoing call

(b) (6), (b) (7)(C), 2014

0 mins 33 secs

↩ Incoming call

(b) (6), (b) (7)(C), 2014

0 mins 20 secs

➤ Outgoing call

(b) (6), (b) (7)(C), 2014



Delete



11:13 am



(b) (6),  
(b) (7)  
(C)

Job



View

2527467858

MOBILE



(b) (6), (b) (7)(C)

2014

0 mins 33 secs

✓ Incoming call

(b) (6), (b) (7)(C)

2014

0 mins 20 secs

➤ Outgoing call

(b) (6), (b) (7)(C)

2014

2 mins 59 secs

➤ Outgoing call

(b) (6), (b) (7)(C)

2014

0 mins 49 secs



Delete

<b>UNITED STATES OF AMERICA</b> <b>NATIONAL LABOR RELATIONS BOARD</b> <b>AMENDED CHARGE AGAINST EMPLOYER</b>		<b>DO NOT WRITE IN THIS SPACE</b> Case 10-CA-142694		Date Filed 01-28-15	
<b>INSTRUCTIONS:</b> File an original and 4 copies of this charge with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.					
<b>1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT</b>					
<b>a. Name of Employer</b>  Patco Enterprises, Inc. d/b/a McDonalds & McDonald's Corp., as Joint and Single Employers			<b>b. Number of workers employed</b> 1,000+		
<b>c. Address</b>  Store: 125 NC 102 W Ayden, NC 27496  McDonald's Corp : 2111 McDonald's Dr. Oak Brook, IL 60523		<b>d. Employer Representative</b> Store: (b) (6), (b) (7)(C) [REDACTED] Corporate: Gloria Santona		<b>e. Telephone No</b> (252) 746-7858	
<b>f. Type of Establishment</b> Restaurant		<b>g. Identify principal product or service</b> Food Service			
<b>h. The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsection s(1) and (3) of the National Labor Relations Act, and these unfair labor practices are unfair practices affecting commerce within the meaning of the Act</b>					
<b>2. BASIS OF THE CHARGE (Set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)</b>					
On or about (b) (6), (b) (7)(C) 2014, the above named employer unlawfully interfered with, restrained, and coerced employees in the exercise of their rights under the Act by terminating (b) (6), (b) (7)(C) or engaging in protected concerted activity.					
<b>3. Full name of party filing charge (if labor organization, give full name, including local name and number)</b> Southern Workers Organizing Committee					
<b>4a. Address (street and number, city, state, and ZIP code)</b>  2220 N Roxboro Ave. Durham, NC 27701			<b>4b. Telephone No.</b> (919) 604-8167		
<b>5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)</b>					
<b>6. DECLARATION</b>					
I declare that I have read the above charge and that the statements are true to the best of my knowledge and belief.					
 (Signature of Representative or person making charge)			Paul Smith, Attorney (Title if any)		
Address <u>Patterson Harkavy LLP, 100 Europa Dr. Chapel Hill, Suite 420 NC 27517</u> (Date) <u>1/28/2015</u>			<u>919.942.5200</u> (Telephone No.)		
<b>WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)</b>					



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
NLRB  
Mobile App

January 28, 2015

(b) (6), (b) (7)(C)

Dixon Foods Group d/b/a McDonalds  
125 NC 102 W  
Ayden, NC 28513-8792

Gloria Santona  
McDonald's Corp  
2111 McDonald's Dr.  
Oak Brook, IL 60523

Re: Patco Enterprises, Inc. d/b/a McDonalds &  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

Dear (b) (6), (b) (7)(C), Ms. Santona:

Enclosed is a copy of the charge that has been filed in this case.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If the agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

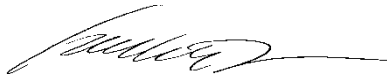
**Presentation of Your Evidence:** As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

January 28, 2015

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By: 

Scott C. Thompson  
Officer in Charge

Enclosure: Copy of charge

cc: Caralyn M. Olie, Attorney at Law  
LaPointe Law, P.C.  
1200 N Shermer Rd  
Ste 310  
Northbrook, IL 60066

Doreen S. Davis, ESQ.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Joshua Grossman, ESQ.  
Jones Day  
222 E 41st Street  
New York, NY 10017-6702

Michael S. Ferrell, ESQ.  
Jones Day  
77 West Wacker Drive  
Suite 3500  
Chicago, IL 60601

Patco Enterprises, Inc. d/b/a McDonalds &      - 3 -  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

January 28, 2015

Andrew G. Madsen, ESQ.  
Jones Day  
77 W Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

**UNITED STATES OF AMERICA**  
**BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**PATCO ENTERPRISES, INC. D/B/A  
MCDONALDS & MCDONALD'S CORP., AS  
JOINT AND SINGLE EMPLOYERS**

Charged Party

**Case 10-CA-142694**

and

**SOUTHERN WORKERS ORGANIZING  
COMMITTEE**

Charging Party

**AFFIDAVIT OF SERVICE OF CHARGE AGAINST EMPLOYER**

I, the undersigned employee of the National Labor Relations Board, being duly sworn, say that on January 28, 2015, I served the above-entitled document(s) by regular mail upon the following persons, addressed to them at the following addresses:

**(b) (6), (b) (7)(C)**

Dixon Foods Group d/b/a McDonalds  
125 NC 102 W  
Ayden, NC 28513-8792

Caralyn M. Olie, Attorney at Law  
LaPointe Law, P.C.  
1200 N Shermer Rd  
Ste 310  
Northbrook, IL 60606

Gloria Santona  
McDonald's Corp  
2111 McDonald's Dr.  
Oak Brook, IL 60523

Doreen S. Davis, ESQ.  
Jones Day  
222 East 41st Street  
New York, NY 10017-6702

Joshua Grossman, ESQ.  
Jones Day  
222 E 41st Street  
New York, NY 10017-6702

Michael S. Ferrell, ESQ.  
Jones Day  
77 West Wacker Drive  
Suite 3500  
Chicago, IL 60601

Andrew G. Madsen, ESQ.  
Jones Day  
77 W Wacker Drive, Suite 3500  
Chicago, IL 60601-1701

January 28, 2015

Date

Lisa A. Davis, Designated Agent of NLRB

Name

/s/ Lisa A. Davis

Signature





UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

SUBREGION 11  
4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210



Download  
NLRB  
Mobile App

January 28, 2015

Southern Workers Organizing Committee  
2220 North Roxboro Avenue  
Durham, NC 27701

Re: Patco Enterprises, Inc. d/b/a McDonalds &  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

Dear Sir or Madam:

We have docketed the charge that you filed in this case.

**Investigator:** This charge is being investigated by Field Examiner BRENT L. KENSEY whose telephone number is (336)631-5234. If the agent is not available, you may contact Supervisory Attorney SHANNON R. MEARES whose telephone number is (336)631-5230.

**Presentation of Your Evidence:** As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other witnesses to provide sworn affidavits, and to provide relevant documents within your possession. If you have additional evidence regarding the allegations in the charge and you have not yet scheduled a date and time for the Board agent to obtain that evidence, please contact the Board agent to arrange to present that evidence. If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed.


Patco Enterprises, Inc. d/b/a McDonalds & - 2 -  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

January 28, 2015

**Procedures:** Your right to representation, the means of presenting evidence, and a description of our procedures, including how to submit documents, was described in the letter sent to you with the original charge in this matter. If you have any questions, please contact the Board agent.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By: 

Scott C. Thompson  
Officer in Charge

cc: Paul E. Smith, Attorney  
Patterson Harkavy LLP  
100 Europa Dr  
Ste 420  
Chapel Hill, NC 27517-2372

**From:** [Thompson, Scott C.](#)  
**To:** [Jones, Jacqueline K.](#)  
**Cc:** [Kensey, Brent L.](#); [Meares, Shannon R.](#)  
**Subject:** McDonalds, Case 10-CA-142694  
**Date:** Thursday, January 29, 2015 7:43:22 PM  
**Attachments:** [image001.jpg](#)

---

(b) (5)

We need R2 approval to effectuate the dismissal! Shannon will take care of transmitting it to R 2.

SCOTT C. THOMPSON

*Officer-in-Charge*

National Labor Relations Board

SubRegion 11 ~ Republic Square

4035 University Parkway, Suite 200

Winston-Salem, NC 27106-3257

Telephone: (336) 631-5240

Fax: (336) 631-5210

[Scott.C.Thompson@NLRB.gov](mailto:Scott.C.Thompson@NLRB.gov)

nlr seal 3



**From:** [Dunham, Geoffrey](#)  
**To:** [Meares, Shannon R.](#)  
**Cc:** [Harrell, Claude T.](#); [Thompson, Scott C.](#); [Kensey, Brent L.](#); [Wainstein, Richard](#); [Jaffe, Leah Z.](#)  
**Subject:** RE: Patco Enterprises, Inc. d/b/a McDonalds & McDonalds Corp., as Joint and Single Employers (10-CA-142694)  
**Date:** Thursday, February 12, 2015 12:08:32 PM  
**Attachments:** [image001.gif](#)

---

Shannon, thanks for reminding me. ok to process dismissal / withdrawal. GD

---

**From:** Meares, Shannon R.  
**Sent:** Thursday, February 12, 2015 11:02 AM  
**To:** Meares, Shannon R.; Jaffe, Leah Z.; Dunham, Geoffrey  
**Cc:** Harrell, Claude T.; Thompson, Scott C.; Kensey, Brent L.  
**Subject:** RE: Patco Enterprises, Inc. d/b/a McDonalds & McDonalds Corp., as Joint and Single Employers (10-CA-142694)

Good Morning, Geoff.

Just touching base to see if you have had an opportunity to review our proposed (b) (5)

Thanks!

Shannon

---

**From:** Meares, Shannon R.  
**Sent:** Friday, January 30, 2015 9:14 AM  
**To:** Jaffe, Leah Z.; Dunham, Geoffrey  
**Cc:** Harrell, Claude T.; Thompson, Scott C.; Kensey, Brent L.  
**Subject:** Patco Enterprises, Inc. d/b/a McDonalds & McDonalds Corp., as Joint and Single Employers (10-CA-142694)

Good Morning, Leah and Geoff.

(b) (5). Here is the FIR for your review: ☐

[FIR.10-CA-142694.FIR - Agenda Outline.docx](#)

Once you have reviewed our determination, please let me know so that we can notify the parties and dispose of the case.

Thank you and have good weekend!

***Shannon R. Meares, Supervisory Attorney***  
National Labor Relations Board  
Subregion 11  
4035 University Parkway, Suite 200  
P.O. Box 11467  
Winston-Salem, NC 27116-1467  
(Office) 336.631.5230 (Fax) 336.631.5210



10-CA-142694

Case Name: Dixon Food Groups d/b/a McDonalds & McDonalds Corp., as Joint and Single Employers  
Agent: Brent Kensey

Note		See emails with Lauren Bonds for details on the scheduling of the CP's affidavit. (Several charges were filed simultaneously, so the emails cover a schedule for several different affiants)
Date: Time: Agent: Party:	12/22/2014 2:00pm BLK (b) (6), (b) (7)(C)	<p>It sounds like (b) (6), (b) (7)(C), will be an important witness in this case. (b) (5) (b) says (b) (6) number is: (b) (6), (b) (7) (6)</p> <p>I tried calling, but was unable to make contact with (b) (6), (b) (7) My schedule has me leaving Ayden, NC and heading back to Durham, NC to take affidavits in a couple of Bojangles cases as soon as I'm done with (b) (6), (b) (7) so I don't have a lot of flexibility. Christmas is coming up too, so people are hard to get in touch with. Emailed Bonds about it.</p> <p>12/22/2014 email chain with Bonds includes some details on her failure to make contact with (b) (6), (b) (7)(C). Cripes. We'll have to deal with this later then if necessary.</p>
Date: Time: Agent: Party:	1/2/2015 11:00am BLK ER Attorneys	I just realized that there are <i>four</i> attorneys on the notice of appearance. I tried calling them to find out if one of them would be handling my case in particular, but none of them were in. Lucky buggers. I checked with Shannon and she thinks that listing every address and email address on the letter is the best idea. I'll email a copy to all of them.
Date: Time: Agent: Party:	1/2/2015 11:45am BLK (b) (6), (b) (7)(C)	Tried calling (b) (6), (b) (7)(C), but there was no answer. (b) (6), (b) (7) has no VM box.
Date: Time: Agent: Party:	1/2/2015 1:22pm BLK (b) (6), (b) (7)(C)	<p>(b) (6), (b) (7)(C) called back. (b) (6), (b) (7) says:</p> <p>I dropped (b) (6), (b) (7) off because they had called (b) (6), (b) (7) in for a meeting. They wouldn't tell (b) (6), (b) (7) why, the just kept telling (b) (6), (b) (7)(C) needed to come in for a meeting.</p> <p>When (b) (6), (b) (7) got up there, (b) (6), (b) (7) was only in there for three minutes and (b) (6), (b) (7) came out terminated.</p> <p>Beforehand that though, I spoke with (b) (6), (b) (7)(C) and (b) (6), (b) (7) told me (b) (6), (b) (7) couldn't speak with me because (b) (6), (b) (7) didn't know who I was. I told (b) (6), (b) (7) that I was an (b) (6), (b) (7)(C) with NC Raise up, and that I was calling about (b) (6), (b) (7)(C) (b) (6), (b) (7)(C) told me, "This store has nothing to do with any unions. Nobody who works here has anything to do with the Union.</p> <p>(b) (6), (b) (7) gave me a number for (b) (6), (b) (7)(C), but it was the wrong number. I cannot</p>

remember (b) (6), (b) (7)(C) name. I think (b) (6), (b) (7)(C) did that so that (b) (6), (b) (7)(C) could call (b) (6), (b) (7)(C) first and give (b) (6), (b) (7)(C) the heads up. I called (b) (6), (b) (7)(C) back and (b) (6), (b) (7)(C) gave me the right number.

When I talked to (b) (6), (b) (7)(C) and explained who I was, (b) (6), (b) (7)(C) told me, "It doesn't matter who you are. My store has nothing to do with the affiliations of unions. If any of my employees are affiliated with Unions, they will be fired also."

We talked about (b) (6), (b) (7)(C) providing an affidavit. (b) (6), (b) (7)(C) says (b) (6), (b) (7)(C) be in (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) and that (b) (6), (b) (7)(C) be done with (b) (6), (b) (7)(C) scheduled meeting there at (b) (6), (b) (7)(C) I proposed a (b) (6), (b) (7)(C) meeting time and (b) (6), (b) (7)(C) agreed.

Date: 1/2/2015  
Agent: BLK  
Party: SRM

(b) (5)

Note: 1/5/2015

Met with (b) (6), (b) (7)(C) as scheduled. (b) (6), (b) (7)(C) was able to provide a great amount of detail on (b) (6), (b) (7)(C) conversations with the ER. We've got some good animus here.

Note:

See emails back and forth with Corporate attorneys and then Caralyn, the attorney for the local McDonalds chain. She had to request a few EOTs, resulting in tight timelines for the tail end of the investigation.

Date: 1/27/2015  
Agent: BLK  
Party: (b) (6), (b) (7)(C)

Follow-up:

Did (b) (6), (b) (7)(C) have any other paperwork with (b) (6), (b) (7)(C)?  
(b) (6), (b) (7)(C) didn't have anything else with (b) (6), (b) (7)(C).

Did (b) (6), (b) (7)(C) have anything that (b) (6), (b) (7)(C) asked you to sign?  
I was not asked to sign anything.

Did you talk to (b) (6), (b) (7)(C) directly after your termination meeting or someone else?

I remember now, I called (b) (6), (b) (7)(C), and asked (b) (6), (b) (7)(C) to call (b) (6), (b) (7)(C) for me.

Do you remember whether (b) (6), (b) (7)(C) talked with any of the managers after your termination meeting, while you were in the car.

(b) (6), (b) (7)(C) never talked to (b) (6), (b) (7)(C) after my meeting apart from (b) (6), (b) (7)(C). The only person that (b) (6), (b) (7)(C) talked to while I was in the car was the lawyer. Lauren I believe.

Did (b) (6), (b) (7)(C) have (b) (6), (b) (7)(C) phone on speakerphone?  
I think that (b) (6), (b) (7)(C) used the phone up against (b) (6), (b) (7)(C) ear and then put it on speakerphone for the end of the conversation with Lauren.



Remind me again what (b) (6), (b) (7)(C) said when (b) (6), (b) (7)(C) was talking with (b) (6), (b) (7)(C) and the (b) (6), (b) (7)(C)?

I wasn't around when (b) (6), (b) (7)(C) talked with (b) (6), (b) (7)(C) or (b) (6), (b) (7)(C). That happened before (b) (6), (b) (7)(C) picked me up.

**Did you ever have a no call, no show?**

No. I never had a no call no show. Other managers there can vouch for it. The only reason their records might show that is if they scratched me off of the schedule and told me not to come in.

**Do you remember a late September performance review.**

I did get a performance review in late September. We had a one on one. That's when they first mentioned me being a (b) (6), (b) (7)(C) and that's when (b) (6), (b) (7)(C) first told me I was getting a raise. (b) (6), (b) (7)(C) did not talk to me about my attendance during that meeting. The only bad thing (b) (6), (b) (7)(C) wrote, because (b) (6), (b) (7)(C) had to write something (b) (6), (b) (7)(C) said, was that my uniform wasn't clean. I had some biscuit flour on it.

**(b) (6), (b) (7)(C) suspension.**

I was scheduled to work (b) (6), (b) (7)(C), and nobody got in till (b) (6), (b) (7)(C). That's when we had to have our first meeting. (b) (6), (b) (7)(C) had used my car the night before and I couldn't get in touch with them and found out that they had been arrested the night before and I was unable to get to my car and make it to work on time. I tracked the car down later that day, around (b) (6), (b) (7)(C) and went to work. I think it was (b) (6), (b) (7)(C) who told me that I would be off the schedule until I could meet with (b) (6), (b) (7)(C), but I can't remember right now. I just remember I had to call in every day to ask if (b) (6), (b) (7)(C) was there so I could get back on the schedule. I had my meeting with (b) (6), (b) (7)(C) a few days later. Nobody ever told me I was suspended.

**Breaks?**

I was never counseled about taking too long on my breaks. I did not take long breaks.

**Termination meeting arrival time?**

Although I was told to come in at (b) (6), (b) (7)(C) and I didn't arrive until (b) (6), (b) (7)(C).

Date: 1/27/2015  
Time: 10:30am  
Agent: BLK  
Party: (b) (6), (b) (7)(C)

I originally talked to (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C). I was in (b) (6), (b) (7)(C) working that day, and that's where I was when I called. I told (b) (6), (b) (7)(C) that we would not be exactly there at (b) (6), (b) (7)(C) because I had to drive from (b) (6), (b) (7)(C) drive to (b) (6), (b) (7)(C) to pick (b) (6), (b) (7)(C) up, and then drive to Ayden.

I called (b) (6), (b) (7)(C) before (b) (6), (b) (7)(C), because when I talked to (b) (6), (b) (7)(C) told me that we needed to be there by (b) (6), (b) (7)(C). If (b) (6), (b) (7)(C) told me that (b) (6), (b) (7)(C) had to be there before (b) (6), (b) (7)(C), then I had to I told (b) (6), (b) (7)(C) that was impossible, because I was in (b) (6), (b) (7)(C). I told (b) (6), (b) (7)(C) to give me (b) (6), (b) (7)(C) number so that I could call (b) (6), (b) (7)(C). (b) (6), (b) (7)(C) told me as long as (b) (6), (b) (7)(C) gets here to clock in before (b) (6), (b) (7)(C) goes to work. (b) (6), (b) (7)(C) clothes were still in my truck so that (b) (6), (b) (7)(C) could change for work.



We were back home before it even got dark.  
We got to the store before (b) (6).

I was mistaken in my affidavit. I did not talk to (b) (6), (b) (7)(C) about the time of (b) (6), (b) (7)(C) meeting on (b) (6), (b) (7)(C). The conversation on Paragraph 5 happened while I was in (b) (6), (b) (7)(C) on (b) (6), (b) (7)(C) called me to ask for a ride. (b) (6), (b) (7)(C) said something about (b) (6), (b) (7)(C) and then said something about being there before (b) (6), (b) (7)(C) shift. I told (b) (6), (b) (7)(C) that I needed to know a time. (b) (6), (b) (7)(C) gave me (b) (6), (b) (7)(C) number, and I called (b) (6), (b) (7)(C).

**Note:** Met with SRM and SCT for agenda meeting on this case. See FIR for summary of discussion and agreement on (b) (5).

**Note:** See emails with Region 2 (Coordinating all McDs cases between regions) and their 2/12 approval of the dismissal decision.

**Date:** 2/13/2015  
**Agent:** BLK  
**Party:** Paul Smith  
Called Paul Smith and explained our decision to dismiss. He said (b) (5).

(b) (5), (b) (6), (b) (7)(C)

**Note:** Snow day on Tuesday the 17<sup>th</sup> and a 2 hour delay on the 18<sup>th</sup>.

**Date:** 2/18/2015  
**Time:** 10:30am  
**Agent:** BLK  
**Party:** Lauren Bonds  
Called Bonds. (b) (5), (b) (6), (b) (7)(C)

When I told Bonds, she agreed to withdraw. (b) (5), (b) (6), (b) (7)(C)



UNITED STATES GOVERNMENT  
NATIONAL LABOR RELATIONS BOARD

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4035 University Pkwy Ste 200  
Winston Salem, NC 27106-3275

Agency Website: [www.nlrb.gov](http://www.nlrb.gov)  
Telephone: (336)631-5201  
Fax: (336)631-5210

February 19, 2015

Caralyn M. Olie, Attorney at Law  
LaPointe Law, P.C.  
1200 N Shermer Rd., Ste 310  
Northbrook, IL 60060

Doreen S. Davis, Esq.  
Joshua Grossman, Esq.  
Jones Day  
222 E 41st Street  
New York, NY 10017-6702

Michael S. Ferrell, Esq.  
Andrew G. Madsen, Esq.  
Jones Day  
77 W Wacker Drive, Suite 3500  
Chicago, IL 60601-1701


Re: Patco Enterprises, Inc. d/b/a McDonalds &  
McDonalds Corp., as Joint and Single  
Employers  
Case 10-CA-142694

Ladies and Gentlemen:

This is to advise you that I have approved the withdrawal of the charge in the above matter.

Very truly yours,

Claude T. Harrell Jr.  
Regional Director

By:   
Scott C. Thompson  
Officer in Charge

cc: (b) (6), (b) (7)(C)  
Dixon Foods Group d/b/a McDonalds  
125 NC 102 W  
Ayden, NC 28513-8792

Paul E. Smith, Attorney  
Patterson Harkavy LLP  
100 Europa Dr., Ste 420  
Chapel Hill, NC 27517-2372

Southern Workers Organizing Committee  
2220 North Roxboro Avenue  
Durham, NC 27701

Gloria Santona  
McDonald's Corp  
2111 McDonald's Dr.  
Oak Brook, IL 60523